


By 

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 JANNSEN L. TAN
Deputy Attorney General
4 State Bar No. 237826
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-3496
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY,
10 **AND HEARING AID DISPENSERS BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 1I-2006-67

13 **CATHERINE LYNN VINCENT**
205 Crow Canyon Drive
14 Folsom, California 95630

ACCUSATION

15 Speech-Language Pathologist License No. SP 7187

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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21 1. Annemarie Del Mugnaio (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Officer for the Speech-Language Pathology, Audiology, and Hearing
23 Aid Dispensers Board.

24 2. On or about August 3, 1988, the Speech-Language Pathology and Audiology Board
25 issued speech language pathologist license number SP 7187 to Catherine Lynn Vincent
26 (Respondent). License number SP 7187 will expire on December 31, 2011, unless renewed.

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3. This Accusation is brought before the Speech-Language Pathology, Audiology, and Hearing Aid Dispensers Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

JURISDICTION

4. Speech-Language Pathology, Audiology, and Hearing Aid Dispensers Board is governed under the Business and Professions Code section 2530 et. seq. Section 2531.02 of the Business and Professions Code provides as follows:

§ 2531.02 Priority to protect the public

Protection of the public shall be the highest priority for the Speech-Language Pathology and Audiology Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

5. Section 2532 of the Business and Professions Code provides, in pertinent part, the following:

§ 2532. Necessity of License

No person shall engage in the practice of speech-language pathology or audiology or represent himself or herself as a speech-language pathologist or audiologist unless he or she is licensed in accordance with this chapter.

6. Section 2533 of the Business and Professions Code provides, in pertinent part, the following:

§ 2533. Unprofessional conduct

The board may refuse to issue, or issue subject to terms and conditions, a license on the grounds specified in Section 480, or may suspend, revoke, or impose terms and conditions upon the license of any licensee if he or she has been guilty of unprofessional conduct. Unprofessional conduct shall include, but shall not be limited to, the following:

• • •

(e) Committing a dishonest or fraudulent act that is substantially related to the qualifications, functions, or duties of a licensee.

• • •

1 (g) Other acts that have endangered or are likely to endanger
2 the health, welfare, and safety of the public.

3 7. Section 1399.154, Title 16, of the California Code of Regulations provides as
4 follows:

5 **§ 1399.154. Definitions**

6 (a) "Speech-language pathology aide" means a person who

7 (1) assists or facilitates while the speech-language pathologist is
8 evaluating the speech and/or language of individuals or is treating
9 individuals with a speech-language and/or language disorder and

10 (2) is registered by the supervisor with the board and the
11 registration is approved by the board.

12 8. Section 1399.154.2, Title 16, of the California Code of Regulations provides as
13 follows:

14 **§ 1399.154.2. Responsibilities of Aide's Supervisor**

15 A supervisor of a speech-language pathology or audiology aide shall:

16 (a) Have legal responsibility for the health, safety and welfare of the
17 patients.

18 (b) Have legal responsibility for the acts and services provided by the
19 speech-language pathology or audiology aide, including compliance with
20 the provisions of the Act and these regulations.

21 (c) Be physically present while the speech-language pathology or
22 audiology aide is assisting with patients, unless an alternative plan of
23 supervision has been approved by the board. A supervisor of industrial
24 audiology aides shall include a proposed plan for alternative supervision
25 with the application form. An industrial audiology aide may only be
26 authorized to conduct puretone air conduction threshold audiograms when
27 performing outside the physical presence of a supervisor. The supervisor
28 shall review the patient histories and the audiograms and make necessary
referrals for evaluation and treatment.

(d) Evaluate, treat, manage and determine the future dispositions of
patients.

(e) Appropriately train the speech-language pathology or audiology
aide to perform duties to effectively assist in evaluation and/or
treatment. A supervisor shall establish and complete a training program

1 for a speech-language pathology or audiology aide in accordance with
2 Section 1399.154.4 which is unique to the duties of the aide and the
setting in which he or she will be assisting the supervisor.

3 (f) Define the services which may be provided by the speech-language
4 pathology or audiology aide. Those services shall not exceed the
5 competency of the aide as determined by his or her education, training
and experience, and shall not include any treatment beyond the plan
established by the supervisor for the patient.

6 Protection of the public shall be the highest priority for the Hearing Aid
7 Dispensers Bureau in exercising its licensing, regulatory, and disciplinary
8 functions. Whenever the protection of the public is inconsistent with
other interests sought to be promoted, the protection of the public shall be
9 paramount.

10 9. Section 1399.156.1, Title 16, of the California Code of Regulations provides as
11 follows:

12 **§ 1399.156.1. Substantial Relationship Criteria**

13 For the purposes of denial, suspension or revocation of a license or
14 registration pursuant to Division 1.5 (commencing with Section 475) of
15 the code, a crime or act shall be considered to be substantially related to
16 the qualifications, functions or duties of a person holding a license under
17 the Act if to a substantial degree it evidences present or potential
18 unfitness of a person holding a license to perform the function authorized
by his or her license or registration in a manner consistent with the public
health, safety, or welfare. Such crimes or acts shall include but not be
limited to those involving the following:

19 (a) Violating or attempting to violate, directly or indirectly, or assisting in
20 or abetting the violation of, or conspiring to violate any provision or term
of the Act.

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22 10. Section 125.3 of the Business and Professions Code provides that the board may
23 request reasonable costs of the investigation and enforcement of the case.

24 **FIRST CAUSE FOR DISCIPLINE**

25 (Assisting or Abetting the Unlicensed Practice of Speech Pathology)
[Bus. & Prof. Code § 2532,2533(e);CCR 1399.156.1]

26 11. Respondent is subject to disciplinary action under Sections 2532 and 2533(e) of the
27 Code and Title 16 Section 1399.156.1 of the CCR in that she engaged in unprofessional conduct
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1 and assisted and/or abetted in the unlicensed practice of speech pathology. The circumstances are
2 set forth below:

3 12. Respondent is the owner operator of Vincent and Associates. Respondent through
4 Vincent and Associates was contracted to provide services to early intervention children ages 0 to
5 3 from Alta California Regional Center (ACRC). ACRC administers the Early Intervention
6 Program (EIP) which is a federally funded program available to children zero to three years of
7 age. These children are diagnosed with developmental disabilities, and/or exhibiting
8 developmental delays (i.e. general speech delays) and/or having high risk medical conditions.

9 13. During the period of May 2006 through September 2006, Respondent assigned
10 unsupervised speech pathologist aides to work with clients ages 0-3 years old who qualified for
11 EIP.

12 Patient N.P.

13 14. Patient N.P. was initially seen on May 11, 2006. N.P. received therapy for
14 approximately three months during 2006. N.P.'s mother was always present during N.P.'s
15 appointments. N.P. was treated solely by speech pathologist aide Sharon without Respondent.

16 15. A review of the progress notes show that N.P. was treated by "Sharon and Lucile"
17 on June 26, 2006 and by aide Sharon on June 21, 2006.

18 Patient B.B.

19 16. Patient B.B. was initially seen on July 28, 2006. Speech pathologist aide Sharon was
20 the only one who treated B.B. A review of her progress notes show that Sharon performed
21 several vocabulary exercises with B.B.

22 17. Patient B.B. was next seen on August 4, 2006. Speech pathologist aide Sharon was the
23 only one noted on the progress notes to have treated B.B. on this day. The progress notes indicate
24 that several exercises were performed by Sharon, including "1) imitation, vocabulary w/ flip flop
25 faces, bilabial basket machines, fuzzy book; 2) verb(ing); 3) OM Beckman 4) Part/Whole w/
26 animal basket".

27 18. Patient B.B. was seen solely by aide Sharon without the Respondent on the following
28 dates: August 18, 2006, August 25, 2006, and September 5, 2006. During these visits, aide

1 Sharon performed several tests, and exercises and other speech pathologist therapies to B.B.
2 without the supervision of Respondent.

3 Patient N.L.

4 19. Patient N.L. was initially seen on August 2, 2006. Speech pathologist aide Sharon
5 saw N.L. on this date and performed several verbal exercises. N.L. was authorized by ALTA for
6 several sessions.

7 20. N.L. was seen on the following dates: August 16, 17, 24, 31 and September 7, 2006.
8 During these sessions, N.L. was only seen by speech pathologist aide Sharon without Respondent.
9 Sharon performed several vocabulary and spontaneous speech exercises, tests, checked and
10 evaluated tests results.

11 Patient B.H.

12 21. Patient B.H. was initially seen on August 9, 2006. Speech pathologist aide Sharon
13 saw B.H. on this date and performed several vocabulary and picture exercises.

14 22. B.H. was seen on the following dates: August 16, 22, 30, 2006. During these
15 sessions, B.H. was only seen by speech pathologist aide Sharon. Sharon performed several
16 vocabulary and spontaneous speech exercises, picture recognition exercises, puzzles, and
17 activities.

18 Patient E.B

19 23. Patient E.B. was initially seen on August 4, 2006. Speech pathologist aide Sharon
20 saw E.B. on this date and performed several vocabulary and picture exercises.

21 24. E.B. was seen on the following dates: August 4, 18, 29, 2006. During these sessions,
22 E.B. was only seen by speech pathologist aide Sharon. Sharon performed several vocabulary and
23 spontaneous speech exercises, picture recognition exercises, puzzles, and activities.

24 Patient P.A.

25 25. Patient P.A. was seen on August 11, 2006. Speech pathologist aide Sharon saw P.A.
26 on these dates and performed several vocabulary and picture exercises. During these sessions,
27 P.A. was only seen by speech pathologist aide Sharon without Respondent's supervision.

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2 Patient P.L.

3 26. Patient P.L. was seen on July 21, 28, 2006. Speech pathologist aide Sharon and Jenn
4 saw P.L. on these dates and performed several vocabulary and picture exercises. During these
5 sessions, P.L. was only seen by speech pathologist aide Sharon and Jenn without Respondent's
6 supervision.

7 Patient D.B.

8 27. Patient D.B. was seen on August 1, 8, 2006. Speech pathologist aide Sharon and Jenn
9 saw P.L. on these dates and performed several vocabulary and picture exercises. During these
10 sessions, P.L. was only seen by speech pathologist aide Sharon and Jenn without Respondent's
11 supervision.

12 Patient D.P.

13 28. Patient D.P. was initially seen on August 7, 2006. Speech pathologist aide Amanda
14 saw D.P. on this date and performed several vocabulary and picture exercises.

15 29. D.P. was seen on the following dates: July 14, 21 and August 4, 18, 25, 2006. During
16 these sessions, D.P. was only seen by speech pathologist aide Amanda without Respondent
17 supervision. Amanda performed several vocabulary and spontaneous speech exercises, picture
18 recognition exercises, puzzles, and activities.

19 Patient J.L.

20 30. Patient J.L. was initially seen on July 13, 2006. Speech pathologist aide Amanda saw
21 J.L. on this date and performed several vocabulary and picture exercises.

22 31. J.L. was seen on the following dates: July 27, and August 10, 24, 2006. During these
23 sessions, J.L. was only seen by speech pathologist aide Amanda without Respondent supervision.
24 Amanda performed several vocabulary and spontaneous speech exercises, picture recognition
25 exercises, puzzles, and activities.

26 Patient G.C.

27 32. Patient G.C. was seen on August 28, and September 11, 18, 2006. Speech pathologist
28 aide Amanda saw G.C. on these dates and performed several vocabulary and picture exercises.

1 During these sessions, G.C. was only seen by speech pathologist aide Amanda without
2 Respondent supervision.

3 Patient G.O.

4 33. Patient G.O. was seen on August 3, 9, 16, 25, 2006. Speech pathologist aide Amanda
5 saw G.O. on these dates and performed several vocabulary and picture exercises. During these
6 sessions, G.O. was only seen by speech pathologist aide Amanda without Respondent's
7 supervision.

8 Patient O.F.

9 34. Patient O.F. was seen on July 14, 21, August 2, 4, 11, 18, 24 and September 8, 15,
10 2006. Speech pathologist aide Amanda saw O.F. on these dates and performed several
11 vocabulary and picture exercises. During these sessions, O.F. was only seen by speech
12 pathologist aide Amanda without Respondent's supervision.

13 Patient T.W.

14 35. Patient T.W. was seen on July 12, August 2, 10, 17, 23 and September 8, 2006.
15 Speech pathologist aide Amanda saw T.W. on these dates and performed several vocabulary and
16 picture exercises. During these sessions, T.W. was only seen by speech pathologist aide Amanda
17 without Respondent's supervision.

18 Patient G.N.

19 36. Patient G.N. was seen on July 27, August 3, 17, 24, 31 and September 6, 2006.
20 Speech pathologist aide Amanda saw G.N. on these dates and performed several vocabulary and
21 picture exercises. During these sessions, G.N. was only seen by speech pathologist aide Amanda
22 without Respondent's supervision.

23 Patient E.M.

24 37. Patient E.M. was seen on June 16, July 7, 14, August 4, 16, 24 and September 8, 12,
25 2006. Speech pathologist aide Amanda saw E.M. on these dates and performed several
26 vocabulary and picture exercises. Amanda also discussed the session with E.M.'s mother and
27 performed tests at the August 11, 16, 2006 session. During these sessions, E.M. was only seen by
28 speech pathologist aide Amanda without Respondent's supervision.

Patient M.M.

38. Patient M.M. was seen on September 22, 27 and October 6, 2006. Speech pathologist aide Amanda saw M.M. on these dates and performed several vocabulary and picture exercises. During these sessions, M.M. was only seen by speech pathologist aide Amanda without Respondent's supervision.

39. Respondent is subject to disciplinary action under Section 2532 and 2533(e) of the Code and Title 16 Section 1399.156.1 of the CCR in that she assigned unsupervised speech pathology aides who are not licensed to practice speech-language pathology to treat her patients.

SECOND CAUSE FOR DISCIPLINE

(Committing Acts Endangering the Health, Welfare, and Safety of the Public)
[Bus. & Prof. Code § 2533(g); CCR 1399.154, 1399.154.2]

39. Paragraphs 1 through 38 are incorporated herein by reference. Respondent is subject to disciplinary action under Section 2533(g) of the Code and Title 16 Section 1399.154, 1399.154.2 of the CCR in that:

A) She assigned unsupervised aides to her patients;

B) She failed to evaluate, treat, manage and determine the future dispositions of patients relying instead on her aides;

C) She was not physically present while the speech-language pathology aide was treating her patients;

D) She failed to appropriately train the speech-language pathology aide to perform duties to effectively assist in evaluation and/or treatment.

40. Respondent is subject to disciplinary action for engaging in acts that have endangered or are likely to endanger the health, welfare, and safety of the public.

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PRAYER

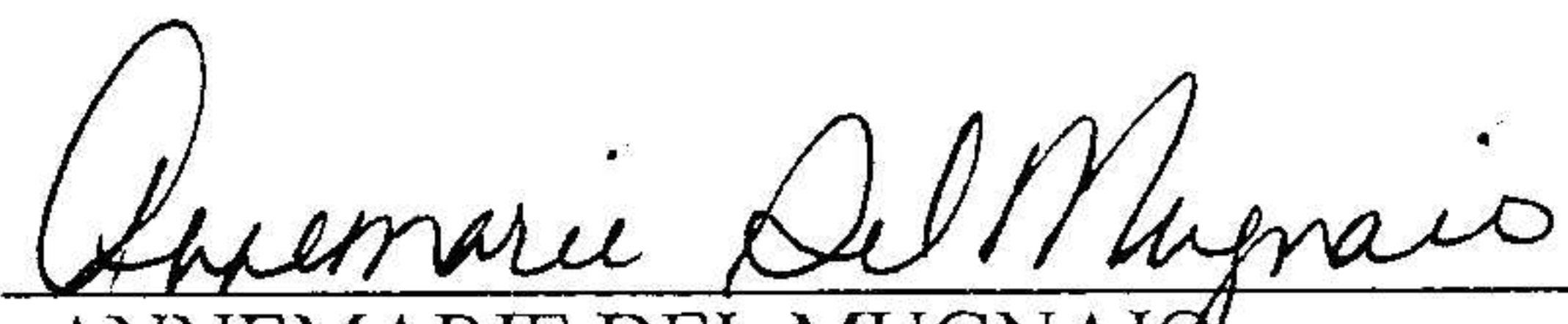
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Speech-Language Pathology, Audiology, and Hearing Aid Dispensers Board issue a decision:

1. Revoking or suspending speech language pathologist license number SP 7187 issued to Catherine Lynn Vincent.

2. Ordering Catherine Lynn Vincent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3.

3. Taking such other and further action as deemed necessary and proper.

DATED: September 21, 2011


ANNEMARIE DEL MUGNAIO
Executive Officer
Speech-Language Pathology, Audiology, and
Hearing Aid Dispensers Board
Department of Consumer Affairs
State of California
Complainant

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